

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., and
T.D.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDS FAMILY
SERVICES, a Utah corporation,

Defendants.

NO. 04-2338 RSM

DECLARATION OF RICHARD E.
PETTIT

I, Richard E. Pettit, declare as follows:

1. I am a member of The Church of Jesus Christ of Latter-day Saints ("LDS Church"), and served as a bishop of the Kent 2nd Ward of that Church from approximately 1975 until 1981.

2. I am the father of Scott Pettit, who is also a member of the LDS Church.

DECLARATION OF RICHARD E. PETTIT - 1
No. 04-2338 RSM

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1 3. When my son Scott was approximately 13 years of age, he told me that he had
2
3 been touched inappropriately on a Scout outing by Jack LoHolt, a member of the Kent 2nd Ward
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5 who served in a Scouting capacity.
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7 4. After Scott told me of the inappropriate touching, I went to talk with the man who
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9 was Bishop of the Kent 2nd Ward at that time, Randall Borland, to tell him of LoHolt's actions.
10
11 Within a week of our conversation, Bishop Borland released LoHolt from his Scouting position.
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13 5. Bishop Borland, as my Bishop, was my spiritual advisor. I sought him out for the
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15 purposes of spiritual counseling and guidance. I was not sure how to respond to my son's report
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17 of LoHolt's actions. I also hoped the Bishop might do something regarding LoHolt's
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19 involvement in Scouting, which the Bishop did.
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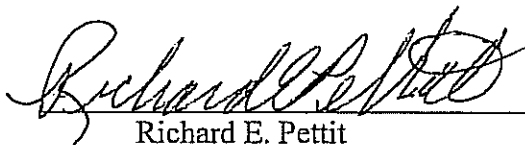
21 6. When I talked to Bishop Borland I expected that my conversation with him would
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23 be confidential. I believed that Bishop Borland was bound by the clergy privilege, and that he
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25 could not share what I told him with anyone else without my permission.
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27 7. I did not expect Bishop Borland to call Child Protective Services or the police
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29 department to report what Jack LoHolt had done. If I thought that was necessary or appropriate,
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31 I would have done it myself.
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33 8. When I testified at my deposition in this case on December 13, 2005, I waived the
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35 clergy privilege and talked about my conversation with Bishop Borland. From approximately
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37 February, 1972 when I talked to Bishop Borland until December 13, 2005, I did not waive that
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39 privilege, and I expected everything I told Bishop Borland to be kept confidential.
40

41 **I declare under the laws of the State of Utah and of the United States that the**
42
43 **foregoing is true and correct.**
44
45

Signed this 16 day of June, 2006.


Richard E. Pettit

CERTIFICATE OF SERVICE

I hereby certify that on Aug 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following. The parties will additionally be served in the manner indicated.

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DECLARATION OF RICHARD E. PETTIT - 3
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